

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

ONE HUNDRED FIFTEENTH LEGISLATIVE DAY
WEDNESDAY, APRIL 30, 2003

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burtenshaw, Keough, Pearce, and President Pro Tempore Geddes, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Jeannine Wood, Secretary of the Senate.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 29, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

President Pro Tempore Geddes, Senators Burtenshaw, Keough, and Pearce were recorded present at this order of business.

April 30, 2003

The JUDICIARY AND RULES Committee reports that **S 1194, S 1195, S 1196, S 1197, and S 1198** have been correctly printed.

DARRINGTON, Chairman

S 1194, S 1195, S 1196, S 1197, and S 1198 were referred to the Finance Committee.

April 29, 2003

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Craig D. Harlen to the Idaho Board of Environmental Quality, term to expire July 1, 2003, and reappointed for a term to expire July 1, 2007;

Stephen C. Weeg to the Idaho Board of Health and Welfare, term to expire January 7, 2007.

BRANDT, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 30, 2003

The FINANCE Committee reports out **S 1194, S 1195, S 1196, S 1197, and S 1198** with the recommendation that they do pass.

CAMERON, Chairman

S 1194, S 1195, S 1196, S 1197, and S 1198 were filed for second reading.

The Senate advanced to the Seventh Order of Business.

Reports of Special Committees

April 29, 2003

President Jim Risch
Idaho State Senate

Dear President Risch:

The Senate Conference Committee appointed to confer on **H 264**, as amended in the Senate, has met with the House conference Committee on **H 264**, as amended in the Senate, and the Committees do jointly agree and recommend:

1. That **H 264**, as amended in the Senate, be returned to the Senate, and,
2. That the Senate recede from its former amendments to **H 264**, as amended in the Senate, and
3. That **H 264**, as amended in the Senate, be further amended in the Senate, as follows:
 - a. The tax upon cigarettes shall be increased by twenty-nine cents to a rate of fifty-seven cents per package of twenty cigarettes for the period June 1, 2003, through June 30, 2005.
 - b. The distribution of moneys collected from the cigarette tax shall be revised as follows:
 - i. For fiscal year 2004, \$23.5 million of the moneys collected from the twenty-nine cent increase in the

cigarette tax shall be distributed to the General Fund, and all remaining moneys shall be distributed to the Economic Recovery Reserve Fund;

- ii. For fiscal year 2005, all moneys collected from the twenty-nine cent increase in the cigarette tax shall be distributed to the Economic Recovery Reserve Fund;
- iii. For the period July 1, 2003, through June 30, 2005, distributions of moneys collected from the cigarette tax shall be revised to reflect the twenty-nine cent tax increase in order to maintain current statutory monetary distribution levels.
- c. The Economic Recovery Reserve Fund shall be created in the state treasury. Appropriations or transfers from the Economic Recovery Reserve Fund shall not be made without the consent of a majority of the members of each house in regular or extraordinary session.
- 4. That both houses consider a bill to amend Chapter 18, Title 67, Idaho Code, to provide additional restrictions on access to moneys in the Idaho Millennium Fund.

SENATORS

/s/ Hal Bunderson
/s/ Dean Cameron
/s/ Brad Little
/s/ Edgar Malepeai

REPRESENTATIVES

/s/ Delores Crow
/s/ Scott Bedke
/s/ Lawrence Denney
(Margaret Henbest declined to sign the report)

On request by Senator Davis, granted by unanimous consent, the Conference Committee Report and **H 264**, as amended in the Senate, were referred to the Tenth Order of Business, Motions and Resolutions, and held for one legislative day, pursuant to Senate Rule 21(A).

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 29, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1180

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 30, 2003

Mr. President:

I transmit herewith Enrolled **H 454** for the signature of the President, and I return herewith Enrolled **S 1187, S 1188, S 1189, S 1190, and S 1191**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 454** and ordered it returned to the House.

Enrolled **S 1187, S 1188, S 1189, S 1190, and S 1191** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the State Affairs Committee report relative to the Gubernatorial appointment of LaMoyné Hyde retained its place on the Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of the Conference Committee Report pertaining to **H 264**, as amended in the Senate, were suspended and the Report was placed before the Senate for consideration at this time.

On request by Senator Davis, granted by unanimous consent, the Conference Committee Report was adopted.

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, **H 264**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 264**, as amended in the Senate, without recommendation, amended as follows:

**SENATE AMENDMENT TO THE SENATE
AMENDMENT TO H 264**

AMENDMENT TO THE AMENDMENT TO THE BILL

On page 1 of the printed amendment, delete lines 2 through 37; on page 2, delete lines 1 through 47 and insert:

"On page 1 of the printed bill, delete lines 8 through 43; on page 2, delete lines 1 through 24 and insert:

"SECTION 1. That Section 63-2506, Idaho Code, be, and the same is hereby amended to read as follows:

63-2506. IMPOSITION OF TAX. (1) From June 1, 2003, through June 30, 2005, a tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes is hereby imposed at the rate of fifty-seven cents (57¢) per package of twenty (20) cigarettes, which tax shall be paid by the wholesaler, and collected by the state tax commission. 5.1746¢ of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system. 5.1746¢ of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the department of juvenile corrections for distribution to the counties to be utilized for county juvenile probation services.

(2) On and after July 1, 2005, a tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes is hereby imposed at the rate of one and four-tenths cent (1.4¢) for each cigarette or twenty-eight cents (28¢) per package of twenty (20) cigarettes, which tax shall be paid by the wholesaler, and collected by the state tax commission. Five cents (5¢) of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system. Five cents (5¢) of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the department of juvenile corrections for distribution to the counties to be utilized for county juvenile probation services.

(3) Appropriated funds shall be distributed quarterly to the counties based upon the percentage the population of the county bears to the population of the state as a whole.

(4) The remaining moneys collected and those moneys not appropriated under the provisions of this section shall be distributed as specified in section 63-2520, Idaho Code.

SECTION 2. That Section 63-2509, Idaho Code, be, and the same is hereby amended to read as follows:

63-2509. COMPENSATION FOR AFFIXING STAMPS. From June 1, 2003, through June 30, 2005, wholesalers shall be allowed as compensation for affixing stamps, two and sixty-one one hundredths percent (2.61%) of the face value of the stamps purchased by them. On and after July 1, 2005, wholesalers shall be allowed as compensation for affixing stamps, five percent (5%) of the face value of the stamps purchased by them.

SECTION 3. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and

any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) From July 1, 2003, through June 30, 2005, the balance remaining with the state treasurer after deducting the amount described in paragraph subsection (a) above of this section shall be distributed as follows:

(1) ~~43.3%~~ 17.3% of such balance shall be distributed to the permanent building account created by section 57-1108, Idaho Code.

(2) ~~1%~~ .4% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) ~~2.5%~~ 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) 21.25% of such balance shall be distributed to the general fund of the state of Idaho.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2003, and ending June 30, 2004, \$23,500,000 shall be distributed to the general fund of the state of Idaho and the remainder shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For the fiscal year commencing July 1, 2004, and ending June 30, 2005, all remaining moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.

(c) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 43.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 1% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 2.5% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code.

Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) All remaining moneys shall be distributed to the general fund of the state of Idaho.

SECTION 4. That Chapter 25, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-2531, Idaho Code, and to read as follows:

63-2531. FLOOR STOCKS TAX. (1) In addition to the tax imposed by section 63-2506, Idaho Code, there is hereby imposed a one (1) time tax at the rate of twenty-nine cents (29¢) per package of twenty (20) cigarettes on all cigarettes to which stamps have been affixed and which are held in stock by a wholesaler at 12:01 a.m. on June 1, 2003.

(2) The tax imposed by this section shall be due and payable to the state tax commission on the due date of the cigarette tax return due under this chapter and shall be reported on such return. The tax shall be subject to all the collection, enforcement and administrative provisions of this chapter.

SECTION 5. That Chapter 35, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-3520, Idaho Code, and to read as follows:

67-3520. ECONOMIC RECOVERY RESERVE FUND. (1) There is hereby created in the state treasury the economic recovery reserve fund for the purpose of meeting general fund revenue shortfalls, meeting expenses incurred as the result of a major disaster declared by the governor, or for providing one (1) time tax relief payments to the citizens of the state of Idaho. Moneys in the economic recovery reserve fund shall consist of moneys remitted pursuant to section 63-2520, Idaho Code. Interest earnings from the investment of moneys in this fund by the state treasurer shall be retained in the economic recovery reserve fund.

(2) No appropriations from the economic recovery reserve fund nor any transfers out of the fund shall be made without the consent of the legislature by at least a majority of the members of each house concurring therein at an ordinary session or at an extraordinary session of the legislature called by the governor.

SECTION 6. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 5 and 6 of

this act shall be in full force and effect on and after June 1, 2003; Section 4 of this act shall be in full force and effect on and after June 1, 2003, and shall be null, void and of no force and effect on and after July 1, 2005; Section 3 of this act shall be in full force and effect on and after July 1, 2003. ". "

CORRECTION TO CORRECTION TO TITLE

On page 2, delete lines 50 and 51; and on page 3, delete lines 1 through 13 and insert:

"RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2506, IDAHO CODE, TO INCREASE THE RATE OF THE CIGARETTE TAX AND TO REVISE DISTRIBUTIONS FROM JUNE 1, 2003, THROUGH JUNE 30, 2005; AMENDING SECTION 63-2509, IDAHO CODE, TO REVISE THE PERCENTAGE THAT WHOLESALERS ARE COMPENSATED FOR AFFIXING STAMPS ON PACKAGES OF CIGARETTES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR CERTAIN CIGARETTE TAX MONEYS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2531, IDAHO CODE, TO PROVIDE A FLOOR STOCKS TAX FOR PACKAGES OF CIGARETTES HELD IN STOCK BY A WHOLESALER ON JUNE 1, 2003, AND TO PROVIDE WHEN THE TAX IS DUE AND PAYABLE; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3520, IDAHO CODE, TO CREATE THE ECONOMIC RECOVERY RESERVE FUND IN THE STATE TREASURY, TO PROVIDE PURPOSES OF THE FUND, TO PROVIDE FOR MONEYS REMITTED TO THE FUND, TO PROVIDE FOR INTEREST EARNINGS TO BE RETAINED IN THE FUND AND TO PROVIDE PROCEDURES FOR APPROPRIATION OR TRANSFER OF MONEYS FROM THE FUND; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY, PROVIDING A SUNSET DATE AND PROVIDING EFFECTIVE DATES. ".

The Committee also has **S 1172** and **H 136**, as amended in the Senate, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

H 264, as amended in the Senate, as amended in the Senate, was filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 30, 2003

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 264**, as amended in the Senate, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1199

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2004; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE A TRANSFER FROM THE PLUMBING BOARD FUND FOR FISCAL YEAR 2004; AUTHORIZING THREE ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1199 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 264, as amended in the Senate, as amended in the Senate, by Revenue and Taxation Committee was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 264**, as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 264**, as amended in the Senate, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Little. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 264, as amended in the Senate, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Little, Lodge, McKenzie, McWilliams, Noh, Sorensen, Stegner, Williams. Total - 21.

NAYS--Andreason, Burkett, Calabretta, Kennedy, Keough, Malepeai, Marley, Noble, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 14.

Total - 35.

Whereupon the President declared **H 264**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1192, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1192** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1200

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING CHAPTER 1, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 71-121,

IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE CERTAIN RULES, TO PROVIDE FOR COLLECTION OF FEES FOR THE LICENSING OF WEIGHING AND MEASURING DEVICES AND TO PROVIDE FOR THE WEIGHTS AND MEASURES INSPECTION FUND; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1201
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1200 and **S 1201** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 30, 2003

The JUDICIARY AND RULES Committee reports that **S 1199**, **S 1200**, and **S 1201** have been correctly printed.

DARRINGTON, Chairman

S 1199, **S 1200**, and **S 1201** were referred to the Finance Committee.

April 30, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1187**, **S 1188**, **S 1189**, **S 1190**, and **S 1191** were delivered to the Office of the Governor at 2:10 p.m., April 30, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 30, 2003

The FINANCE Committee reports out **S 1199**, **S 1200**, and **S 1201** with the recommendation that they do pass.

CAMERON, Chairman

S 1199, **S 1200**, and **S 1201** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Moved by Senator Schroeder, seconded by Senator Kennedy, that **S 1196**, **S 1197**, and **S 1198** be referred to the Education Committee.

Senator Schroeder withdrew his motion with the consent of his second.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1194** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1194** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1194 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Marley, Stennett. Total - 2.

Absent and excused--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared **S 1194** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1195** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be

read on three several days be dispensed with, this being a case of urgency, and that **S 1195** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1195 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Schroeder. Total - 1.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1195** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1199** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1199** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1199 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Brandt, Geddes. Total - 2.

Absent and excused--Burkett, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1199** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1200** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1200** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1200 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Darrington, Noble, Pearce, Stegner. Total - 4.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1200** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1201** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1201** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1201 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Burkett. Total - 2.

Total - 35.

Whereupon the President declared **S 1201** passed, title was approved, and the bill ordered transmitted to the House.

S 1196, S 1197, S 1198, by Finance Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

April 30, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bills, to wit:

**S 1181, S 1182, S 1183, S 1184, S 1185,
S 1186, S 1187, S 1188, S 1189, S 1190, S 1191**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 30, 2003

Mr. President:

I transmit herewith **H 428** and **HCR 30**, and I return herewith **S 1176**, which have passed the House.

JUKER, Chief Clerk

H 428 and **HCR 30** were filed for first reading.

S 1176 was referred to the Judiciary and Rules Committee for enrolling.

April 30, 2003

Mr. President:

I transmit herewith **H 396** and **H 397** which have passed the House.

JUKER, Chief Clerk

H 396 and **H 397** were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 428, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government Committee.

HCR 30, by State Affairs Committee, was introduced, read at length, and referred to the Finance Committee.

H 396 and **H 397**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:25 p.m. until the hour of 10 a.m., Thursday, May 1, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary